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GUDRUN E. HUCKETT DRAUDT
SCHUBERTSTR. 15A
WUPPERTAL, 42289
GERMANY

EXAMINER
FRANCIS, MARK P

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2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/604,823	THEIS, RUDIGER
	Examiner	Art Unit	
	Mark P. Francis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed June 19, 2007.

2.   Per applicants' request, claims 1-4 and 6-11 have been amended.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Craig. (U.S. Pat 6,266,809) in view of Heath (U.S. Pat 6,360,366)

Independent claims

With respect to claims 1 and 8, Craig discloses a method for performing an update of a

program in a program-controlled device, wherein the method comprises the steps of:

causing the device, initiated by the external Web browser, to request update information

for an update of a program of the program-controlled device from the Web server;(Col

6:1-15, "...The initialization process of the networked computer...") but does not

disclose downloading the requested update information from the Web server to the

external Web browser, wherein the requested update information is being passed

through the program-controlled device to the external Web browser;

caching the requested update information by a program code executed in the external Web browser; and programming the requested update information into the program-controlled device by the program code executed in the external web browser.

Heath discloses downloading the requested update information from the Web server to the external Web browser,(Col 5:1-15, "...they are only downloaded when there is a need...") wherein the requested update information is being passed through the program-controlled device to the external Web browser; (Col 8:46-57, "...such as Web browser, is configured not only to retrieve a component catalog file...")
caching the requested update information by a program code executed in the external Web browser; (Col 4:65-67, "...A persistent cache directory on the client stores a representation of the catalog file...")
and programming the requested update information into the program-controlled device by the program code executed in the external web browser.(Col 8:45-55, "...to retrieve a launcher program...")in an analogous system for the purpose of providing an improved version updating process in a client-server environment in which such updating requires frequent and efficient deployment of the application components.(Heath:Col 1:44-47)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to download and cache the requested update information by the program code executed in the external Web browser.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a simple way to connect various types of intelligent devices to allow for communication and sharing of resources while avoiding the interoperability and complex configuration problems existing in conventional networks.(Col 2, lines 1-5)

With respect to claim 12, Craig discloses a program code executable in a Web browser Col 6:20-35, "...the networked computer has downloaded the update boot image...") and configured to cache(Col 5:30-37, "...may include cache such as an L2 cache...") update information received via a program-controlled device (Col 7:30-45, "...When the server receives the signal from the network computer that the update boot image...") and to program the update information that has been cached into the program-controlled device. (Col 5:30-37, "...may include cache such as an L2 cache...",Col 7:50-67, "...then the network computer notifies the server...")

Dependent claims

With respect to claims 2,10, and 13, the rejection of claims 1, 8 and 12 are incorporated respectively and further, Craig discloses that the program code executable in the external Web browser is a Java applet. (Col 2:1-5, "...independent applets...")

With respect to claim 3, the rejection of claim 1 is incorporated and further, Craig discloses further comprising the steps of storing the program code executable in the external Web browser in the program-controlled device and making available the program code to the Web browser by the program-controlled device for a duration of an update that is performed. (Col 15-25, "...The network server then waits...")

With respect to claim 4, the rejection of claim 1 is incorporated and further, Craig discloses further comprising the steps of storing the program code executable in the external Web browser in a Web server and making available the program code to the external Web browser by the program-controlled device. (Col 3:38-45, "...which update firmware in a network computer...")

With respect to claim 5, the rejection of claim 1 is incorporated and further, Craig discloses that the trivial file transfer protocol (TFTP) is employed in the step of programming. (Col 2:30-35, "...Trivial File Transfer Protocol...")

With respect to claims 6 and 11, the rejection of claims 1 and 8 are incorporated respectively and further, Craig discloses that further comprising the steps of checking with at least one of the program code executable in the external Web browser and the program-controlled device at least one of completeness or error-freeness of the update information before the step of programming the update information into the program-controlled device and, when an error is detected, carrying out error elimination with at

least one of the program code executable in the external Web browser and the

program-controlled device. (Col 6:50-62, "...If the update was not successful...")

With respect to claim 7, the rejection of claim 1 is incorporated and further, Craig

discloses that, in the step of programming the update information into the program-

controlled device, a user input the scope of the program code executable in the external

Web browser is enabled. (Col 7:15-25, "...if the user is not absent..."0

With respect to claim 9, the rejection of claim 8 is incorporated and further, Craig

discloses that the stored program code executable in the external Web browser is made

available to the connected external Web browser for carrying out an update of the at

least one program. (Col 3:38-45, "...which update firmware in a network computer...")

With respect to claim 14, the rejection of claim 12 is incorporated and further, Craig

discloses configured to check the update information received via the program-

controlled device for at least one of completeness and error-freeness and configured to

perform error elimination, when an error has been found, before programming the

update information into the program-controlled device. (Col 6:50-62, "...If the update

was not successful...")

Response to Arguments

5.   Applicant's arguments filed on June 19, 2007 have been fully considered with respect to claims 1-14 but are moot in view of the new ground(s) of rejection.

With respect to claim 12, Applicant essentially argues that Craig et al does not disclose a program code executable in Web browser programs to update the device.

In response, the Examiner differs, Notes Col 2:60-67, it is here that Craig teaches that the update in another alternative can be downloaded from an accessible storage location such as a bulletin board or an Internet web site to the client device. In addition, Craig also discloses in Col 6:25-40, that the network computer can download an update boot image which contains firmware update images for the network computer as well as peripherals that are attached to the network computer.

Also, regarding claim 12, Applicant essentially argues that Craig does not teach the program code caches the update in the web browser and programs the update into the device could be a Java applet.

The Examiner disagrees, Notes Col 5:30-40, it is here that Craig teaches that memory in his invention may include cache, an instruction cache, a data cache or any combination thereof. Since Craig teaches that the update can be downloaded from a Internet web site to the client device, the update must be stored in memory which

includes cache memory. In addition, Col 2:1-5, it is here that Craig teaches that programs for network computers are typically written in Java programs, support referencing URL identifiers, and provide a machine dependent desktop for executing machine independent applets.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until afterthe end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T.An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark P. Francis

Art Unit 2193

Patent Examiner

MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100